

# Non-Responsive

**From:** Waye, Don  
**Sent:** Thursday, October 16, 2014 2:44 PM  
**To:** Wu, Jennifer  
**Cc:** allison.castellan@noaa.gov; Henning, Alan; Carlin, Jayne  
**Subject:** RE: New Development MS4 and Draft Findings comments

Belated thanks, Jenny. I'll finish updating the New Dvpt rationale with the new information on the expanded MS4 list and send it around to folks tomorrow. (

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I am refocusing on All Things Oregon tomorrow.

I did want to point out that my spreadsheet accounting provides full credit for any community/DMA with a bacteria listing or a sediment listing that has triggered a TMDL. I have just backed off on the nutrient piece a bit (and had already backed off completely on temperature listings).

Allison – We are all very excited for you and wish you the very best! I can't believe you'll be back in the office by next Wednesday. That just doesn't seem right.

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**From:** Wu, Jennifer  
**Sent:** Tuesday, October 14, 2014 6:39 PM  
**To:** Waye, Don; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Henning, Alan; Carlin, Jayne  
**Subject:** New Development MS4 and Draft Findings comments

Hi Don - I got your latest email on the MS4s for the New Development. Just FYI, there are a few more cities covered. See Misha's message below - kind of confusing, but if you look at the "EPA Region 10-NEWMS4s..." spreadsheet, you'll see in the new "New

MS4s- Region 10" tab, there are a few more cities covered by the MS4 permit. Unfortunately, Roseburg isn't one, but there are 6 more cities covered. I updated your spreadsheet to show the New MS4s. Also, I read over Gene's email and didn't see reference to bacteria listings not being addressed by the New Development guidance. His email reads, "Pollutants such as bacteria and sediment, and maybe nutrients, are historically stormwater related. Temperature historically was not." Maybe this makes for more good news?

Lastly, I looked at Allison's write-up on the draft finding and thought it looked really good. I think this is more an Allison/Don call, but I had a couple of small suggestions that you can take or leave.

Allison, I still can't believe you're Ex. 6 - Personal Privacy I can't imagine doing all the Ex. 6 - Personal Privacy while all of this is going on along with other work. I know we'll be on the managers' call tomorrow and may connect on pesticides, but I have to say again, congratulations and very best wishes! Ex. 6 - Personal Privacy

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**From:** Vakoc, Misha  
**Sent:** Tuesday, October 14, 2014 11:35 AM  
**To:** Wu, Jennifer  
**Cc:** Ramrakha, Jayshika  
**Subject:** RE: Check-in on New Development Guidance/LID for Ashland and Roseburg

Hi Jenny:

Bottom line answer to your question: Roseburg is not a "regulated Phase II MS4" community. Ashland is a "regulated Phase II MS4" community.

Here are the ingredients that get to this answer – Sorry if there is more information here than you need, but it's a bit complicated based on where ODEQ's permit program is/was in the process:

First, Here are the links to the ODEQ stormwater permitting websites for the currently Regulated Phase I & II MS4 communities (ie, those which already have permit coverage), - these entities were identified based on the (prior) Yr 2000 Census area location, and/or because they were pulled in to the permit program by DEQ long ago:

<http://www.deq.state.or.us/wq/stormwater/municipalph1.htm>

<http://www.deq.state.or.us/wq/stormwater/municipalph2.htm>

Ashland is a Phase II community, along with Rogue Valley Sanitary Services. (One of the problems JR and I had early on when looking at the OR-CZARA stuff was figuring out what the geographic extent of their “coastal communities” meant.)

Next, the attached XLS document is a spreadsheet that HQ pulled together of these same “regulated MS4s” —( ie, those that already have permit coverage in each state) plus a listing of those MS4s which would be “new” or newly pulled into the mandatory permit program based on the 2010 Census area boundaries. (see the different tabs within the attached file, which differentiate btwn “regulated MS4s” and “new MS4s” —(I’ve also included the Word-version explanation document that HQ sent us at the time.)

Roseburg isn’t on the “new MS4” list.

Subsequently, ODEQ’s MS4 Permit Coordinator began a stakeholder advisory process. You’ll see a link to that process on the Phase II webpage – its purpose was to logically develop a new Phase II MS4 general permit in Oregon (sort of in the model of WA’s program) to serve two purposes: a) to renew the existing Phase II permit coverage for the “existing regulated Ms4s” and b) to incorporate schedules/SWMP requirements for the “new MS4s”.

Unfortunately, the MS4 Coordinator only got 2 stakeholder meetings accomplished (in Nov 2013 and Jan 2014) before he found a new position in another state – as a result, the stakeholder advisory/new permit development process has been temporarily stalled since mid April. I understand that they just hired a new person to fill the MS4 permit coordinator position, and I believe the new person just started end of September. (Joel Salter may know more, but I haven’t had a chance to call or meet her yet)

The upshot is, I do not believe that the “new MS4” communities have been contacted yet by DEQ to submit a permit application, and any permit that they might be applying for hasn’t been “put on paper” yet.

**From:** Wu, Jennifer

**Sent:** Tuesday, October 14, 2014 9:56 AM

**To:** Vakoc, Misha

**Subject:** Fw: Check-in on New Development Guidance/LID for Ashland and Roseburg

Hi Misha - do you have a list of the MS4 communities in Oregon? This is for some work in the Oregon CZARA Nonpoint Management Coastal Area that we're doing. Thanks for your help! I would've asked Jayshika, but she's on

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**From:** Waye, Don

**Sent:** Tuesday, October 14, 2014 8:48 AM

**To:** Wu, Jennifer

**Subject:** RE: Check-in on New Development Guidance/LID for Ashland and Roseburg

Jenny,

This is great! So the crux of the answer is what I thought, but am glad to get confirmation straight from DEQ:

For those DMAs where DEQ determines that post construction needs to be addressed, DEQ would require that the DMAs update their TMDL implementation plans and DEQ would recommend that the DMAs follow the "TMDL Implementation Guidance: Guidance for Including Post-Construction Elements in TMDL Implementation Plans"

I forgot that Ashland is an MS4 community, so we've already said this about Ashland:

Beyond the State's reliance on a voluntary approach, portions of Oregon's coastal nonpoint management area that are designated as MS4s are excused from implementing the new development management measure, per the federal agencies' December 20, 2002, memo, *Policy Clarification on Overlap of 6217 Coastal Nonpoint Programs with Phase I and II Stormwater Regulations*, as they are regulated under the National Pollutant Discharge and Elimination System (NPDES) Phase I and II stormwater permit program. The federal agencies rely on the NPDES program to manage polluted runoff from new development in these areas. The City of Ashland, the City of Medford, and the Rogue Valley Sewer Services (which includes the cities of Central Point, Phoenix and Talent, and portions of Jackson County in the Medford Urbanized Area) are the only MS4s currently within the coastal nonpoint management area.

I can't tell from Gene's answer below if Roseburg is also an MS4 community. I don't want to trouble Gene for more information if we can obtain it fairly easily in some other way. But can you get me a list of the MS4 communities in Oregon's Coastal Nonpoint Management Area or (even better) run down the list of cities in the spreadsheet and add a column noting which are designated MS4s?

Thanks.

Don

**From:** Wu, Jennifer  
**Sent:** Monday, October 13, 2014 1:58 PM  
**To:** FOSTER Eugene P; Waye, Don  
**Cc:** LOBOY Zach; WALTZ David; MEYERS Bill; MRAZIK Steve; BLAKE Pam; JOHNSON York; DRAKE Doug; TARNOW Karen E; WIGAL Jennifer; COX Lisa; HICKMAN Jane  
**Subject:** Re: Check-in on New Development Guidance/LID for Ashland and Roseburg

Thanks very much, Gene. Don, let's talk more and see whether you have questions and would like to do a follow-up call.

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**From:** FOSTER Eugene P <[FOSTER.Eugene@deq.state.or.us](mailto:FOSTER.Eugene@deq.state.or.us)>  
**Sent:** Friday, October 10, 2014 3:10 PM  
**To:** Wu, Jennifer; Waye, Don  
**Cc:** LOBOY Zach; WALTZ David; MEYERS Bill; MRAZIK Steve; BLAKE Pam; JOHNSON York; DRAKE Doug; TARNOW Karen E; WIGAL Jennifer; COX Lisa; HICKMAN Jane; FOSTER Eugene P  
**Subject:** RE: Check-in on New Development Guidance/LID for Ashland and Roseburg

Hi Jenny

In general, for geographic areas where TMDLs have already been issued for pollutant(s) that are stormwater related:

- These issues will be addressed at the five year review of DMA implementation of the TMDL. These reviews occur as resources allow, as an example, in the Rogue Basin DEQ has a

Basin Coordinator, Basin Specialist, and the Rogue Valley Council of Governments (RVCOG) that have been active in implementation of the Rogue and Bear Creek TMDLs (see Ashland discussion below). However, in the Umpqua Basin the Basin Coordinator position was eliminated and only part of that work was picked up by the MidCoast Basin Coordinator (see Roseburg discussion below).

- The Basin Coordinators conducting the five year review will meet with the DMAs;
- DEQ will assess the status of the DMAs current stormwater management plans/programs. For those DMAs where DEQ determines that post construction needs to be addressed, DEQ would require that the DMAs update their TMDL implementation plans and DEQ would recommend that the DMAs follow the “TMDL Implementation Guidance: Guidance for Including Post-Construction Elements in TMDL Implementation Plans”
- This would be for those DMAs that received an allocation, or are part of a sector that received an allocation, for a pollutant that is stormwater related;
- The DMA TMDL implementation plan would only cover the areas that the DMA has authority.

Pollutants such as bacteria and sediment, and maybe nutrients, are historically stormwater related. Temperature historically was not. Implementing post-construction stormwater management strategies are not optional (i.e., voluntary) by a DMA if (a) load allocation(s) is issued and (b) post-construction strategies are key to meeting one or more pollutant load allocations.

Having DMAs update their TMDL IPs is discussed in our TMDL Urban Guidance document (link below), see pages 7 & 8.

<http://www.deq.state.or.us/wq/tmdls/docs/TMDLguidance.pdf>

Specifically for Ashland and Roseburg:

Ashland: The City of Ashland is an MS4 community as well as a DMA identified in the 2007 Bear Creek TMDL. The City has submitted a TMDL implementation plan to meet the requirements of the TMDL and reports on the progress associated with the plan on an annual basis. ODEQ reviews the plan and annual reports to ensure that they are meeting the identified implementation benchmarks and the TMDL. In the Urban Runoff section of the City's TMDL plan the city has repeatedly stated that they have addressed the majority of the barriers to low impact development (LID) through the phase II stormwater program. They have also stated that they intend to incorporate LID approaches into capital

improvements, development and redevelopment projects to reduce impervious areas and infiltrate runoff. The City of Ashland's stormwater ordinances reference the regional stormwater quality design manual for guidance for its management measures. That manual was developed locally by Rogue Valley Sewer Services (RVSS) in conjunction with the local jurisdictions and ODEQ. ODEQ is currently sponsoring Oregon Environmental Council's project to develop an LID development guidance for small cities in Western Oregon. RVSS is on the technical advisory team for this project and the City of Ashland has agreed to participate in both the guidance development process and the development of a regional project that will test the new guidance. The guidance is expected to be completed by late summer 2015. The regional LID test project will be identified in the near future and will begin implementation by late summer as well (see OEC link below).

Roseburg: The Basin Coordinator is reviewing Roseburg's stormwater management plan and TMDL implementation plan, but we don't expect to complete that review process and start meeting with the City until ~ March 2015. DEQ will be evaluating whether the six primary MS4 "strategies" are part of their non-MS4 SW plan, along with the post-construction and the other questions in the attached document "Stormwater Workshop Data Collection Questions DRAFT 20140912", these questions are intended to augment and not supersede the guidance, both will be used in working with Roseburg to update their TMDL implementation plan.

In addition, as mentioned above, we have a 319 LID project with Oregon Environmental Council to develop a LID manual for Western Oregon, to give communities guidance in designing, constructing and maintaining greener stormwater facilities.

<http://www.oeconline.org/our-work/water/stormwater/low-impact-development>

Let me know if you have questions or want to discuss.

Gene

**From:** Wu, Jennifer [<mailto:Wu.Jennifer@epa.gov>]

**Sent:** Friday, October 10, 2014 7:54 AM

**To:** FOSTER Eugene P; LOBOY Zach; WALTZ David; MEYERS Bill

**Cc:** Waye, Don

**Subject:** Check-in on New Development Guidance/LID for Ashland and Roseburg

Hi Gene, Zach, David, and Bill,

Thanks for your previous responses on the New Development guidance and how it relates to the Rogue, Bear Creek, and Umpqua TMDLs. I'm following up on a call I think you all had last week on how Ashland and Roseburg would handle stormwater-related discharges and how that might work with New Development guidance or LID guidance that you're working on.

I'm working with Don Waye at HQ on the New Development Guidance under CZARA, and he's cc:ed above. A question has come up how much coverage the TMDLs provide re: the new development measure under CZARA, and to simplify the question, Don is focusing on Ashland and Roseburg to see what's done in some of the major cities in the coastal nonpoint management area where TMDLs have already been done. If it's difficult to send something in writing or it'd be easier to clarify the question, I can arrange a phone call. Of course, folks are welcome to talk with each other, too, but I'd be happy to set something up to save people time. If you could let me know by next Tuesday, 10/14, whether DEQ will send something in writing or I should set up a phone call, that'd be great.

Thanks for the help,

Jenny